

UNITED STATES DISTRICT COURT

OFFICE OF THE CLERK
DISTRICT OF KANSAS

RALPH L. DELOACH
CLERK

INGRID CAMPBELL
CHIEF DEPUTY CLERK

259 U.S. COURTHOUSE
500 STATE AVENUE
KANSAS CITY, KANSAS 66101
(913) 551-6719

FILED

08 JUN 13 PM 3:58

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF KANSAS

BY: 

204 U.S. COURTHOUSE
401 N. MARKET
TOPEKA, KANSAS 67202
(316) 269-6491
444 S.E. QUINCY
TOPEKA, KANSAS 66683
(785) 295-2610
DEPUTY

Clerk, United States District Court
Edward J. Schwartz Federal Building,
880 Front Street
San Diego, CA 92101

08cr7028-IEG

Re: USA v. Jose Natividad Solano-Beltran
Our Case No. 02-10001-001
Your Case No. Unknown

Dear Clerk:

Pursuant to a Transfer of Jurisdiction, the above-entitled case is being transferred to your district.

Please find enclosed a copy of the charging document, judgment, transfer of jurisdiction and an attested copy of the docket sheet.

If you have any questions, please advise.

Sincerely,

RALPH L. DeLOACH, Clerk

By s/ C. Schoonover

Deputy Clerk

Enclosures

PROB 22 (Rev. 2/88)		DOCKET NUMBER (Tran. Court) 6:02CR10005-085 001	
TRANSFER OF JURISDICTION		DOCKET NUMBER (Rec. Court) 08CR7028-IEG	
NAME AND ADDRESS OF PROBATIONER/SUPERVISED RELEASEE: Jose Natividad Solano-Beltran California	DISTRICT DISTRICT OF KANSAS	DIVISION Wichita	
	NAME OF SENTENCING JUDGE Honorable Wesley E. Brown		
	DATES OF PROBATION/SUPERVISED RELEASE:	FROM 03/22/06	TO 03/21/09
OFFENSE Illegal Re-Entry by an Alien Who was Deported After a Conviction for an Aggravated Felony 8 U.S.C. § 1326(a) and (b)(2)			
PART 1 - ORDER TRANSFERRING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE "DISTRICT OF KANSAS"			
IT IS HEREBY ORDERED that pursuant to 18 U.S.C. 3605 the jurisdiction of the probationer or supervised releasee named above be transferred with the records of the Court to the United States District Court for the Southern District of California upon that Court's order of acceptance of jurisdiction. This Court hereby expressly consents that the period of probation or supervised release may be changed by the District Court to which this transfer is made without further inquiry of this Court.*			
<u>5/7/08</u> Date		<u>Wesley E. Brown</u> United States District Judge	
*This sentence may be deleted in the discretion of the transferring Court.			
PART 2 - ORDER ACCEPTING JURISDICTION			
UNITED STATES DISTRICT COURT FOR THE Southern District of California			
IT IS HEREBY ORDERED that jurisdiction over the above-named probationer/supervised releasee be accepted and assumed by this Court from and after the entry of this order.			
<u>6/3/08</u> Effective Date		<u>Anna E. Hargraves</u> United States District Judge	

FILED
U.S. DISTRICT COURT
DISTRICT OF KANSAS

JAN 15 1 34 PM '02

RALPH L. DELOACH
CLERK
BY *[Signature]*
AT WICHITA, KS.

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS
(Wichita Docket)

UNITED STATES OF AMERICA)

Plaintiff,)

V.)

Criminal Action

JOSE NATIVIDAD SOLANO-BELTRAN,)

02-10005 -01-WEB

Defendant.)
_____)

INDICTMENT

The Grand Jury charges:

Count 1

On or about December 11, 2001, in the District of Kansas,

JOSE NATIVIDAD SOLANO-BELTRAN,

the defendant herein, an alien, that is, a person who is not a citizen or national of the United States, was knowingly and unlawfully found in the United States without obtaining advance consent from the Attorney General for readmission in to the United States, after having been convicted of an aggravated felony and having been deported from the United States on or about September 17, 1996, in violation of Title 8, United States Code, Section 1326 (a) and (b)(2).

A TRUE BILL

January 15, 2002
DATE

James E. Flory
FOREMAN OF THE GRAND JURY

James E. Flory
JAMES E. FLORY
United States Attorney
District of Kansas
1200 Epic Center, 301 N. Main
Wichita, Kansas 67202
(316) 269-6481
Ks. S.Ct. No. 10192

(It is requested that trial be held in Wichita, Kansas.)

Bond fixed at: \$ Detain (JOSE NATIVIDAD SOLANO-BELTRAN)

J. Thomas Mante
UNITED STATES DISTRICT JUDGE

U.S. DISTRICT COURT)
DISTRICT OF KANSAS) SS:

I hereby certify that the foregoing
is a true copy of the original on file
in this court and cause.

Clerk, U.S. District Court

By: [Signature] Deputy Clerk

Dated: 12-11-08

FILED

United States District Court

District of Kansas

AUG 27 2002

RALPH L. DeLOACH, CLERK
By [Signature] Deputy

UNITED STATES OF AMERICA

v.

JOSE NATIVIDAD SOLANO-BELTRAN

JUDGMENT IN A CRIMINAL CASE

(For Offenses Committed On or After November 1, 1987)

Case Number: 6:02CR10005-001

Steven K. Gradert
Defendant's Attorney**THE DEFENDANT:**ENTERED ON THE DOCKET
DATE: 8-28-02

- ☒ pleaded guilty to count(s): 1 of the Indictment.
- ☐ pleaded nolo contendere to count(s) which was accepted by the court.
- ☐ was found guilty on count(s) after a plea of not guilty.

ACCORDINGLY, the court has adjudicated that the defendant is guilty of the following offense(s):

<u>Title & Section</u>	<u>Nature of Offense</u>	<u>Date Offense Concluded</u>	<u>Count Number(s)</u>
8 U.S.C. § 1326(a) and (b)(2)	Illegal Reentry by an Alien Who Was Deported After a Conviction for an Aggravated Felony	12/11/01	1

The defendant is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant has been found not guilty on count(s) .
- ☐ Count(s) (is)(are) dismissed on the motion of the United States.

IT IS ORDERED that the defendant shall notify the United States Attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant shall notify the court and United States attorney of any material change in the defendant's economic circumstances.

Defendant's Soc. Sec. No.: 567-39-1647

Defendant's Date of Birth: 01/01/54

Defendant's USM No.: 09347-031

Defendant's Residence Address:
Wichita, Kansas

Defendant's Mailing Address:
Wichita, Kansas

08/19/02

Date of Imposition of Judgment

[Signature]
Signature of Judicial Officer

Honorable Wesley E. Brown, Senior U. S. District Judge
Name & Title of Judicial Officer

8/27/02
Date

I hereby certify that the foregoing
is a true copy of the original on file
in this court and cause.

Clerk U.S. District Court
by [Signature] Deputy Clerk

Dated: 8-11-02

19

AO 245B (Rev. 3/01) Judgment in a Criminal Case---Imprisonment

DEFENDANT: JOSE NATIVIDAD SOLANO-BELTRAN
CASE NUMBER: 6:02CR10005-001

Judgment - Page 2 of 6

IMPRISONMENT

The defendant is hereby committed to the custody of the United States Bureau of Prisons to be imprisoned for a total term of 57 months.

☐ The Court makes the following recommendations to the Bureau of Prisons:

☒ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district.

☐ at ____ on ____.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before __ on ____.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Officer.

RETURN

I have executed this judgment as follows:

Defendant delivered on _____ to _____

at _____, with a certified copy of this judgment.

UNITED STATES MARSHAL

By _____
Deputy U.S. Marshal

DEFENDANT: JOSE NATIVIDAD SOLANO-BELTRAN
CASE NUMBER: 6:02CR10005-001

Judgment - Page 3 of 6

SUPERVISED RELEASE

Upon release from imprisonment, the defendant shall be on supervised release for a term of 3 years.

The defendant shall report to the probation office in the district to which the defendant is released within 72 hours of release from the custody of the Bureau of Prisons.

The defendant shall not commit another federal, state, or local crime.

The defendant shall not illegally possess a controlled substance.

For offenses committed on or after September 13, 1994:

The defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as directed by the probation officer.

☐ The above drug testing condition is suspended based on the court's determination that the defendant poses a low risk of future substance abuse. (Check if applicable.)

☒ The defendant shall not possess a firearm, destructive device, or any other dangerous weapon.

If this judgment imposes a fine or a restitution obligation, it shall be a condition of supervised release that the defendant pay any such fine or restitution that remains unpaid at the commencement of the term of supervised release in accordance with the Schedule of Payments set forth in the Criminal Monetary Penalties sheet of this judgment.

The defendant shall comply with the standard conditions that have been adopted by this court (set forth below). The defendant shall also comply with the additional conditions on the attached page.

STANDARD CONDITIONS OF SUPERVISION

- 1) the defendant shall not leave the judicial district without permission of the court or probation officer;
- 2) the defendant shall report to the probation officer and shall submit a truthful and complete written report within the first five days of each month;
- 3) the defendant shall answer truthfully all inquiries by the probation officer and follow instructions of the probation officer;
- 4) the defendant shall support his or her dependants and meet other family responsibilities;
- 5) the defendant shall work regularly at a lawful occupation unless excused by the probation officer for schooling, training or other acceptable reasons;
- 6) the defendant shall notify the probation officer at least ten days prior to any change in residence or employment;
- 7) the defendant shall refrain from excessive use of alcohol and shall not purchase, possess, use, distribute, or administer any controlled substances or any paraphernalia related to any controlled substances, except as prescribed by a physician;
- 8) the defendant shall not frequent places where controlled substances are illegally sold, used, distributed, or administered;
- 9) the defendant shall not associate with any persons engaged in criminal activity, and shall not associate with any person convicted of a felony unless granted permission to do so by the probation officer;
- 10) the defendant shall permit a probation officer to visit him or her at any time at home or elsewhere and shall permit confiscation of any contraband observed in plain view of the probation officer;
- 11) the defendant shall notify the probation officer within seventy-two hours of being arrested or questioned by a law enforcement officer;
- 12) the defendant shall not enter into any agreement to act as an informer or a special agent of a law enforcement agency without the permission of the court;
- 13) as directed by the probation officer, the defendant shall notify third parties of risks that may be occasioned by the defendant's criminal record or personal history or characteristics, and shall permit the probation officer to make such notifications and to confirm the defendant's compliance with such notification requirement.

DEFENDANT: JOSE NATIVIDAD SOLANO-BELTRAN
CASE NUMBER: 6:02CR10005-001

Judgment - Page 4 of 6

SPECIAL CONDITIONS OF SUPERVISION

1. As a condition of supervised release, the defendant is to be surrendered to a duly authorized immigration official for deportation, in accordance with the established procedures provided by the Immigration and Naturalization Act, 8 U.S.C. § 1101 - 1524. If ordered deported, the defendant shall not unlawfully reenter the United States.
2. If he is not deported, the defendant shall submit to random alcohol/drug testing at the request of the U.S. Probation Officer, and if determined appropriate by the U.S. Probation Officer, he shall participate in an approved program for substance abuse, which may include counseling, and inpatient treatment, at the direction of the U.S. Probation Office. The defendant shall assist in the costs of treatment, based on the ability to pay, at the direction of the United States Probation Office. The defendant shall abstain from the use of alcohol during the period of any treatment.

DEFENDANT: JOSE NATIVIDAD SOLANO-BELTRAN
CASE NUMBER: 6:02CR10005-001

Judgment - Page 5 of 6

CRIMINAL MONETARY PENALTIES

The defendant shall pay the following total criminal monetary penalties in accordance with the Schedule of Payments set forth in this Judgement.

	<u>Assessment</u>	<u>Fine</u>	<u>Restitution</u>
Totals:	\$ 100	\$	\$

☐ The determination of restitution is deferred until __. An Amended Judgment in a Criminal Case (AO 245C) will be entered after such determination.

☐ The defendant shall make restitution (including community restitution) to the following payees in the amounts listed below.

If the defendant makes a partial payment, each payee shall receive an approximately proportional payment unless specified otherwise in the priority order or percentage payment column below. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid in full prior to the United States receiving payment.

<u>Name of Payee</u>	<u>*Total Amount of Loss</u>	<u>Amount of Restitution Ordered</u>	<u>Priority Order or Percentage of Payment</u>
<u>Totals:</u>	\$ _	\$ _	

☐ If applicable, restitution amount ordered pursuant to plea agreement \$ _

☐ The defendant shall pay interest on any fine or restitution of more than \$2,500, unless the fine or restitution is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options set forth in this Judgement may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).

☐ The court determined that the defendant does not have the ability to pay interest, and it is ordered that:

☐ the interest requirement is waived for the ☐ fine and/or ☐ restitution.

☐ the interest requirement for the ☐ fine and/or ☐ restitution is modified as follows:

* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: JOSE NATIVIDAD SOLANO-BELTRAN
CASE NUMBER: 6:02CR10005-001

Judgment - Page 6 of 6

SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties shall be due as follows:

Payment of the total fine and other criminal monetary penalties shall be due as follows:

- A ☐ Lump sum payment of \$ due immediately, balance due
- ☐ not later than _____, or
- ☐ in accordance with () C, () D, or () E below; or
- B ☒ Payment to begin immediately (may be combined with () C, () D, or (x) E below); or
- C ☐ Payment in __ (e.g. equal, weekly, monthly, quarterly) installments of \$ __ over a period of __ (e.g., months or year(s)), to commence __ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in __ (e.g. equal, weekly, monthly, quarterly) installments of \$ __ over a period of __ (e.g., months or year(s)), to commence __ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☒ Special instructions regarding the payment of criminal monetary penalties:

If restitution is ordered, the Clerk, U.S. District Court, may hold and accumulate restitution payments, without distribution, until the amount accumulated is such that the minimum distribution to any restitution victim will not be less than \$25.

Payments should be made to Clerk, U.S. District Court, U.S. Courthouse - Room 259, 500 State Avenue, Kansas City, Kansas 66101.

Unless the court has expressly ordered otherwise in the special instruction above, if this judgment imposes a period of imprisonment, payment of criminal monetary penalties shall be due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court, unless otherwise directed by the court, the probation officer, or the United States attorney.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Case Number
(including Defendant Number)

Defendant Name

Joint and Several
Amount

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) community restitution, (6) fine interest, (7) penalties, (8) costs, including cost of prosecution and court costs..

CLOSED

**U.S. District Court
District of Kansas (Wichita)
CRIMINAL DOCKET FOR CASE #: 6:02-cr-10005-WEB All Defendants**

Case title: USA v. Solano-Beltran

Date Filed: 01/15/2002

Date Terminated: 08/27/2002

Assigned to: District Judge Wesley E.
Brown

Defendant (1)

Jose Natividad Solano-Beltran
TERMINATED: 08/27/2002

represented by **Steven K. Gradert**
Office of Federal Public Defender -
Wichita
850 Epic Center
301 North Main Street
Wichita, KS 67202
316-269-6445
Fax: 316-269-6175
Email: steve_gradert@fd.org
TERMINATED: 08/27/2002
LEAD ATTORNEY
ATTORNEY TO BE NOTICED
Designation: Public Defender or
Community Defender Appointment

Pending Counts

8:1326(a)&(b)(2) Illegal re-entry of
deported alien after felony conviction
(INDICTMENT 1/15/02)
(1)

Disposition

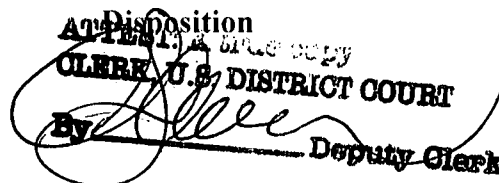
Defendant pled guilty to count 1 of
Indictment; 57 months imprisonment;
defendant remanded to custody; 3 yrs
supervised release; special and standard
conditions of supervision; \$100
assessment

Highest Offense Level (Opening)

Felony

Terminated Counts

None

Disposition
ATTEST: A true copy
CLERK U.S. DISTRICT COURT
By  **Deputy Clerk**

Highest Offense Level (Terminated)

None

Complaints

None

Disposition**Plaintiff**

USA

represented by **Michael G. Christensen**
 Office of United States Attorney --
 Kansas City
 500 State Avenue, Suite 360
 Kansas City, KS 66101
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
01/15/2002	1	INDICTMENT by USA against Jose Natividad Solano-Beltran (1) count(s) 1 (VLW) (Entered: 01/15/2002)
01/15/2002		ARREST WARRANT issued for Jose Natividad Solano-Beltran to USM (VLW) (Entered: 01/15/2002)
01/15/2002	2	PRAECIPE for warrant as to defendant Jose Natividad Solano-Beltran (VLW) (Entered: 01/15/2002)
03/25/2002		ARREST of defendant Jose Natividad Solano-Beltran on 3/25/02 (VLW) (Entered: 03/27/2002)
03/27/2002	3	MINUTE SHEET of hearing before Magistrate Judge Karen M. Humphreys as to defendant Jose Natividad Solano-Beltran: first appearance of defendant Solano-Beltran; Attorney Steven K. Gradert appointed and present; defendant waived right to detention hearing; defendant Solano-Beltran arraigned; not guilty plea entered; detention ordered; defendant remanded to custody; recorded #: 02-06 (9:32-9:40) (VLW) (Entered: 03/27/2002)
03/27/2002	4	FINANCIAL AFFIDAVIT (CJA Form 23) as to defendant Jose Natividad Solano-Beltran (VLW) (Entered: 03/27/2002)
03/27/2002	5	MINUTE ORDER: FPD appointed to represent defendant Jose Natividad Solano-Beltran (cc: all counsel, USM, USPO) (VLW) (Entered: 03/27/2002)
03/27/2002	6	ENTRY OF APPEARANCE for defendant Jose Natividad Solano-Beltran by attorney Steven Gradert (VLW) (Entered: 03/27/2002)
03/27/2002	7	WAIVER of detention hearing by defendant Jose Natividad Solano-Beltran (VLW) (Entered: 03/27/2002)
03/27/2002	8	ORDER OF DETENTION PENDING TRIAL by Magistrate Judge Karen M. Humphreys as to defendant Jose Natividad Solano-Beltran (cc: all USM,

		USPO) (VLW) (Entered: 03/27/2002)
04/02/2002	9	ARREST WARRANT issued on 1/15/02 returned executed on 3/26/02 as to defendant Jose Natividad Solano-Beltran (CS) (Entered: 04/02/2002)
04/03/2002	10	GENERAL ORDER OF DISCOVERY AND SCHEDULING by Senior Judge Wesley E. Brown: jury trial set for 9:00 6/4/02 for Jose Natividad Solano-Beltran; status/motions hearing set for 10:00 6/3/02 for Jose Natividad Solano-Beltran (cc: all counsel, USM, USPO) (VLW) (Entered: 04/04/2002)
04/16/2002	11	NOTICE OF HEARING: jury trial set for 9:00 6/4/02 for Jose Natividad Solano-Beltran; status/motions hearing set for 10:00 6/3/02 (cc: all counsel, USM, USPO) (VLW) (Entered: 04/17/2002)
06/03/2002	12	MINUTE SHEET of hearing before Senior Judge Wesley E. Brown as to defendant Jose Natividad Solano-Beltran: change of plea hearing held on 6/3/02 as to defendant Solano-Beltran; defendant pled guilty to count 1 of Indictment; PSI ordered; sentencing hearing set for 10:00 8/19/02; defendant remanded to custody; Court Reporter: Harper & Assocs (M.Prawl) (VLW) (Entered: 06/04/2002)
06/03/2002	13	PETITION TO ENTER PLEA OF GUILTY AND ORDER ENTERING PLEA by Senior Judge Wesley E. Brown: guilty plea entered by Jose Natividad Solano-Beltran as to count 1 of Indictment (cc: all counsel, USPO) (VLW) (Entered: 06/04/2002)
06/03/2002	14	PLEA AGREEMENT as to defendant Jose Natividad Solano-Beltran (cc: USPO) (VLW) (Entered: 06/04/2002)
08/02/2002	15	NOTICE OF HEARING: sentencing hearing set for 10:00 8/19/02 for Jose Natividad Solano-Beltran (cc: all counsel, USM, USPO) (VLW) (Entered: 08/05/2002)
08/05/2002	16	NOTICE OF HEARING by Clerk; sentencing hearing set for 10:00 8/19/02 for Jose Natividad Solano-Beltran (cc: all counsel, USM, USPO) (EF) (Entered: 08/06/2002)
08/19/2002	17	MINUTE SHEET of hearing before Senior Judge Wesley E. Brown as to defendant Jose Natividad Solano-Beltran: sentencing hearing held on 8/19/02 as to defendant Solano-Beltran; see J&C for details; \$100 assessment; defendant remanded to custody; Court Reporter: Jim Harper (VLW) (Entered: 08/20/2002)
08/20/2002	18	WAIVER of right to appeal by defendant Jose Natividad Solano-Beltran (VLW) (Entered: 08/21/2002)
08/27/2002	19	JUDGMENT ENTERED by Senior Judge Wesley E. Brown as to defendant Jose Natividad Solano-Beltran sentencing Jose Natividad Solano-Beltran (1) on count 1; defendant pled guilty to count 1 of Indictment; 57 months imprisonment; defendant remanded to custody; 3 yrs supervised release; special and standard conditions of supervision; \$100 assessment; case terminated; (cc: all counsel) as to Jose Natividad Solano-Beltran; # of pages: 6 (cc: counsel, USM, USPO, Judge, BOP) (VLW) (Entered: 08/28/2002)

10/23/2002	20	JUDGMENT returned executed as to defendant Jose Natividad Solano-Beltran; defendant delivered to California City Correctional Center, CA, on 10/4/02 (VLW) (Entered: 10/24/2002)
03/09/2005	21	Satisfaction of Assessment by USA as to Jose Natividad Solano-Beltran (Wilson, Tanya) (Entered: 03/09/2005)
02/20/2008	22	SEALED ORDER. Signed by District Judge Wesley E. Brown on 1/23/08. (cs) (cs). (Entered: 02/20/2008)
06/11/2008	23	Probation Jurisdiction Transferred to Southern District of California as to Jose Natividad Solano-Beltran. Transmitted Transfer of Jurisdiction form, with certified copies of indictment, judgment and docket sheet. (cs) (Entered: 06/11/2008)